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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,097	12/01/2000	C. Kevin McIntyre	10001448-1	4539

7590

03/14/2003

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EXAMINER

NGUYEN, MIKE

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,097

Applicant(s)

MCINTYRE, C. KEVIN

Examiner

Mike Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Notices & Remarks

1. Claims 1-14 are pending for the examination.
2. This application has 12 independent claims and thus \$720.00 is being charged to deposit account 08-2025 under 37 CFR 1.16 as authorized by the transmittal letter filed 12/01/2000.

The applicant was erroneously charged for 3 independent claims at the time of filing, however, the Examiner interprets claims 2-5, 8, and 11-14 to also be independent claims. See Ex Parte Adrianus P.M.M Moelands (3 USPQ2d 1474)

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (U.S. Pat. No. 6,421,748 B1).

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5. As to claim 1, Lin teaches a multiple-original-output (“Mopying”) control system for use with a Mopy-enabled multifunction device (MFD) (see figure 1), the system comprising:

a source-selection determiner configured to determine a source selected for a Mopy in a Mopy job, wherein the source for the Mopy may be selected from multiple sources on the MFD (see column 2 lines 57-67 and column 3 lines 1-8);

a destination-selection determiner configured to determine a destination selected for a Mopy in a Mopy job wherein the destination for the Mopy may be selected from multiple destinations on the MFD (see column 2 lines 57-67 and column 3 lines 1-8);

a Mopy-job formatter configured to format a Mopy job that includes source-selecting directions for at least one Mopy in the job and destination-selecting directions for at least one Mopy in the job (see figure 1 element 103 and column 3 lines 9-25);

a Mopy-job transmitter configured to transmit the Mopy job to a MFD (see figure 1 element 108 and column 4 lines 12-19).

6. As to claim 2, Lin teaches a MFD (see figure 1) comprising:

a printing engine (see column 4 lines 25-30 wherein since output device can be a printer so the MFD must comprise the printing engine);

multiple sources (see column 3 lines 4-8 wherein since the source-selection determiner can select any desired property for output such as paper size, resolution, number of copies etc. so the MFD must comprise multiple sources);

multiple destinations (see column 2 lines 61-64 wherein the destination-selection determiner provides an interface for displaying all available output devices so the MFD must comprise multiple destinations);

a receiver configured to receive a Mopy job from a Mopying control system as recited in claim 1 (see figure 1 element 108 and column 4 lines 12-19).

7. As to claim 3, Lin teaches a printer driver comprising a Mopying control system as recited in claim 1 (see column 2 lines 57-67 and column 3 lines 1-8).

8. As to claim 4, Lin teaches an application comprising a Mopy control system as recited in claim 1 (see column 2 lines 57-61).

9. As to claim 5, Lin teaches an operating system comprising a Mopying control system as recited in claim 1 (since the Mopying control system is a local host computer (figure 1) so it is inherently the local host computer having an operating system).

10. Claims 6 and 7 are of similar scope as claim 1 and are therefore rejected under same rationale.

11. As to claim 8, Lin teaches a computer-readable medium having computer-executable instruction that, when executed by a computer, performs the method as recited in claim 6 (see figure 1 elements 106, 104).

12. Claims 9-14 are of similar scope as claims 1-5 and are therefore rejected under same rationale.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,396,345 (Motoyama)

U.S. Pat. No. 5,915,111 (Ouchi)

U.S. Pat. No. 5,925,116 (Minamizawa)

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Nguyen whose telephone number is (703) 305-5040 or e-mail is mike.nguyen@uspto.gov. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

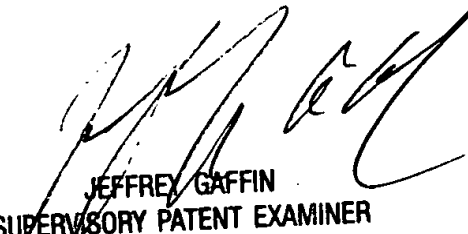
The appropriate fax number for the organization where this application or proceeding is assigned is (703) 746-7240.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffrey Gaffin, can be reached on (703) 308-3301.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Mike Nguyen
Patent Examiner
Group Art Unit 2182

03/07/2003


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622.